

High Representative Enacts Crime Fighting Package

The High Representative, Paddy Ashdown, yesterday put in place a package of measures to help BiH fight organised crime and corruption. The BiH Criminal Code and Criminal Procedure Code will mean that the State Court's Serious Crimes division can start operating immediately. The Laws on Witness Protection and Judicial Police of BiH and amendments to the existing BiH Law on Prosecutors Office and the Law on the Court of BiH will support the proper processing of cases before the BiH Court.

This legislation will also allow the Court of BiH to begin work. This institution is at the centre of the strategy to fight organised crime in BiH. In October last year the High Representative promised that by the end of 2002 "we will also be enacting the BiH Criminal Code, which the Parliament was trying to adopt when time ran out before the elections. We cannot wait to get this, and the Criminal Procedure Code, on to the statute book if we are serious about getting the State Court up, running and trying criminals." The long process of Government formation has delayed the adoption of this crime fighting legislation, despite judges having already been nominated and the Law setting up the court being in place since November 2000.

Both the Criminal Code and the Criminal Procedure Code represent a positive combination of both BiH legal tradition and modern European methods of investigation and efficient Court procedures. The Criminal Procedure Code in particular draws fully on the knowledge and experience of BiH legal professionals and experts, and was drafted wholly by BiH experts working in their own language. These laws will be the basis for continued criminal law reform in other courts across BiH ensuring that justice is efficient, available, and equal

for all. Both BiH Entities have undertaken a reform of their criminal procedures based on this legislation.

The Laws on Witness Protection and Judicial Police of BiH and amendments to the existing BiH Law on Prosecutors Office and the Law on the Court of BiH are designed to ensure that the Court of BiH can fight organised crime and corruption effectively. The Witness Protection Law provides the essential protection for vulnerable witnesses or those under threat during criminal proceedings. The Judicial Police will be responsible for security in the Court and for carrying out the orders of the Court. Their actions will be limited to the jurisdiction of the Court of BiH only and they will co-operate with Entity Police Forces. The amendments to the Law on Prosecutors Office and the Law on the Court of BiH confine the jurisdiction of the Court of BiH to matters which would have substantial detrimental consequences to BiH and to the competencies of BiH as defined by the BiH constitution. These amendments have been deliberately framed to assist the capture and prosecution of the most serious criminal cases, regardless of the identity of the accused.

The High Representative said “My priorities are the priorities of BiH’s citizens: justice and jobs. BiH’s ability to effectively fight crime and the effectiveness of the courts has been a major concern for the citizens of this country. Today marks an important milestone in making justice a reality in BiH and delivering on the reform that I set out on my arrival in BiH last May”.

The High Representative also yesterday issued decisions extending and updating the mandate of the Independent Judicial Commission (IJC) which acts as a Secretariat to the High Judicial and Prosecutorial Councils (HJPCs) and extending to the International Community’s ‘Rule of Law Pillar’ the mandate to monitor trials for fairness. This work was previously undertaken by the United Nations Mission in Bosnia and Herzegovina up until it’s mandate ended on 31 December